

Serial No. 10/536,759**Atty. Doc. No. 2002P19550WOUS****REMARKS**

Claims 11-20 are pending in this application. Claims 11, 15-17 and 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US pat. No. 6,173,491 (hereinafter Goodwater) in view of US pat. No. 6,237,835 (hereinafter Litwinski). Claim 12 stands rejected as being unpatentable over Goodwater and Litwinski and further in view of US publication No. 2001/0030224 A1 (hereinafter Eulenstein). Claim 14 stands rejected over Goodwater and Litwinski and further in view of US pat. No. 4,386,051 (hereinafter Edgington). Applicant appreciates the recognition of allowable subject matter in claim 13. Reconsideration of the rejections is requested in view of foregoing amendments and the following remarks.

The specification has been amended to correct the informalities noted in the Office Action. Claim 11 has been amended to emphasize aspects of the present invention. Claims 1-10 were previously cancelled. Claims 11-20 remain pending.

Claim 11 is directed to a method for production of a component (1) having a surface (8). The method allows introducing a filling element (7) into the component through a first side of the surface of the component. The method further allows connecting the filling element to the component by a fixing method. During the fixing method of the filling element and component, a holder (13) is used to connect the filling element to the component at least temporarily. The holder has a first holding point (22 or 28) on the same first side of the surface of the component and a second holding point (25) on the filling element. The holder is removed after the filling element and component have been fixed.

The Office Action correctly acknowledges that Goodwater fails to disclose a holder (13) for connecting the filling element to the component. The Office Action then applies Litwinski to purportedly remedy the deficiencies of Goodwater. However, as discussed below, it is respectfully submitted that the Goodwater/Litwinski combination does not constitute an appropriate *prima facie* combination of references for rejecting claims under 35 U.S.C. 103(a). It is respectfully submitted that, if anything, the Goodwater/Litwinski combination teaches away from the claimed invention.

More particularly, Litwinski describes a backing member 40. However, as seen in the various drawings of Litwinski and described by Litwinski, the backing member 40 is urged against a back surface of the workpiece (e.g., an interior surface), which is not the same surface

Serial No. 10/536,759**Atty. Doc. No. 2002P19550WOUS**

through which the plasticized material is received. That is, the Goodwater/Litwinski combination teaches away from the structural and/or operational relationships set forth in claim 11 that enable introducing a filling element into the component through a first side of the surface of the component, and that further enable a holder with a first holding point (22 or 28) on the same first side of the surface of the component (not on an opposite surface of the component as Litwinski backing member does). Accordingly, since the Goodwater/Litwinski combination teaches away from the claimed invention, it is respectfully requested that the rejection of claim 11, as well as dependent claims 15-17 and 19-20 be withdrawn.

Regarding claim 12, it is noted that both the Goodwater and the Litwinski references appear to be directed to applications that need a seal (which is directly inapposite to applications with a gap) between the filling element and the component, as set forth in claim 12. Eulenstein is then applied to purportedly remedy the deficiencies of Goodwater and Litwinski. It is respectfully submitted, however, that one of ordinary skill in the art would not be motivated to combine Eulenstein, which describes a spacer to maintain a gap, with references that describe sealing between the filling element and the component. Thus, it is felt that the Examiner is using the claimed invention as a template to combine the references being applied to deprecate the claimed invention. This, however, is not an appropriate standard for rejecting claims under 35 U.S.C. 103(a). Accordingly, it is respectfully requested that the rejection of claim 12 be withdrawn.

Regarding claim 14, it is respectfully submitted that Edgington fails to remedy the fundamental deficiencies of Goodwater and Litwinski discussed above. Accordingly, it is respectfully requested that the rejection of claim 14 also be withdrawn.

Serial No. 10/536,759**Atty. Doc. No. 2002P19550WOUS****Conclusion**

It is respectfully submitted that each of the claims 11-20 pending in this application recites patentable subject matter, and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 4/27/06

By: 

John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830